

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

LEON ANDRE SMITH,
Plaintiff

v.

SUE BLAIR, KORY STONE,
JAMES HONSINGER,
BENNIE WOODS,
Defendants

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File No. 1:06-CV-247

ORDER

The Magistrate Judge's Report and Recommendation was filed October 1, 2008. (Paper 44.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1). Plaintiff's motions for summary judgment (Papers 33 and 35) are DENIED. Defendants' cross-motion for summary judgment (Paper 39) is GRANTED and this case is DISMISSED.

It is further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 31st day of December, 2008.

/s/ J. Garvan Murtha

J. Garvan Murtha
United States District Judge